IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2239 OF 2004

Shakil Abdul Sattar Kapadia. ... Plaintiff.

vs.

Ayub Mumtaz Khan & Another. ... Defendants.

Mr.Bonny Patel i/b. Yusuf & Associate, for Plaintiff.

Ms.Prerana Shrivastav i/b. Rishi Bhuta, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 17th June,2005

P.C.:-

By consent of parties, the suit is disposed of in the following terms:-

1. The plaintiff shall deposit in this Court amount of Rs.4,00,000/- (Rupees Four lakhs only) with due intimation to both the defendants.

2. On plaintiff depositing the amount as directed above within a period of One week from today, the Receiver of this Court shall stand

appointed as Receiver on Flat no.1304 on the 13th Floor of the building "Poonam Tower" situated at MTNL Road, Shanti Park, Village Mira Road, District Thane.

3. The Receiver shall allow the defendants, a period of Two weeks from the date on which the Receiver stands appointed, to vacate the flat and shall hand over vacant possession of the same to the Receiver. In case the defendants do not vacate the flat within a period of two weeks from the date on which the Receiver stands appointed, the Receiver shall take forcible possession, if necessary by taking police help.

4. After taking possession, the Receiver shall hand over possession of the flat to the plaintiff. On handing over possession to the plaintiff, the Receiver shall stand discharged without passing any account.

5. The plaintiff on getting possession of the flat from the Receiver as directed above, shall withdraw the criminal proceedings filed under Section 138 of the Negotiable Instrument Act against the defendants within a period of two weeks from the date of getting possession.

6. The Prothonotary & Senior Master of this Court shall permit the defendants to withdraw the amount of Rs.4,00,000/- (Rupees Four lakhs only) deposited by the plaintiff, after the defendants hand over the vacant possession voluntarily to the Receiver as directed above.

The suit is disposed of . There shall be no order as to costs.